

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

-v-

CHRISTOPHER FERNANDEZ,

Defendant.

22-CR-044 (LTS)

ORDER

Laura Taylor Swain, Chief District Judge:

On March 23, 2023, the defendant was sentenced principally to a term of imprisonment of 84 months.

On November 6, 2023, and November 7, 2023, the defendant filed two motions requesting that this court consider a sentence reduction pursuant to Amendment 821 to the Sentencing Guidelines, which went into effect on November 1, 2023, and applies retroactively. The United States Probation Office has issued a revised final presentence investigation report indicating that the defendant is not eligible for a sentence reduction.

The Court has considered the record in this case, the revised final presentence investigation report, and the submissions on this motion of Mr. Fernandez.

It is hereby ORDERED that the defendant is ineligible for this reduction because defendant's original sentence is the statutorily imposed mandatory minimum. A sentence of 84 months was required by law, and Amendment 821 does not empower the Court to resentence Mr. Fernandez to a shorter period of custody. Because the Court is without power to impose a reduced sentence, this motion is denied. This order resolves docket entries no. 34 and 35. The Clerk of Court is respectfully directed to mail a copy of this order to Mr. Fernandez at the below address.

SO ORDERED.

/s/ Laura Taylor Swain
LAURA TAYLOR SWAIN
United States District Judge

Dated: November 22, 2023
New York, New York

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